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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC. , a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL
**DEFENDANTS' MOTION FOR
LEAVE TO FILE UNDER SEAL ITS
OPPOSITION TO PLAINTIFF'S
MOTION TO DETERMINE
DISPUTED JURY INSTRUCTIONS
AND ACCOMPANYING EXHIBITS
B-E**

1 Pursuant to the Stipulated Protective Order governing confidentiality of documents
2 entered by the Court on May 21, 2010 (*See* Dkt. 55, “Protective Order”), Local Rule 10-5(b) and
3 Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendants Rimini Street, Inc. and Seth
4 Ravin (“Rimini”) respectfully requests that the Court grant leave to file under seal portions of its
5 Opposition to Oracle’s Motion to Determine Disputed Jury Instructions (“Opposition”) and
6 accompanying Exhibits B–E. A public, redacted version of this Opposition was filed on June 29,
7 2015. Additionally, on June 29, 2015, the unredacted version of Exhibits B–E were filed under seal.

8 The Protective Order provides that: “Counsel for any Designating Party may
9 designate any Discovery Material as “Confidential Information” and as “Highly Confidential
10 Information- Attorneys’ Eyes Only” under the terms of the Protective Order only if such counsel in
11 good faith believes that such Discovery Material contains such information and is subject to
12 protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of
13 any Discovery Material as “Confidential Information” or “Highly Confidential Information-
14 Attorneys’ Eyes Only” shall constitute a representation that an attorney for the Designating Party
15 reasonably believes there is a valid basis for such designation”. Protective Order at Paragraph 2.

16 The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials
17 for many types of information, including, but not limited to, trade secrets or other confidential
18 research, development, or commercial information.” *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206,
19 1211 (9th Cir. 2002) (citations omitted).

20 Sealing portions of the Opposition is requested because the document contains
21 information that Oracle has designated as “Confidential” or “Highly Confidential Information –
22 Attorneys’ Eyes Only” under the terms of the Protective Order. This information includes license
23 agreements that Oracle has designated “Confidential” and “Highly Confidential Information –
24 Attorneys’ Eyes Only.” The motion contains references to and portions of these license agreements
25 that Oracle has designated “Highly Confidential Information – Attorneys’ Eyes Only” under the
26 terms of the Protective Order. Disclosure of this information is likely to result in competitive harm
27 to Oracle in future license agreement negotiations with current and potential licensees.
28

1 The Protective Order provides that: “Counsel for any Designating Party may
 2 designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information
 3 – Attorneys’ Eyes Only’ under the terms of this Protective Order **only if such counsel in good faith**
 4 **believes that such Discovery Material contains such information and is subject to protection**
 5 **under Federal Rule of Civil Procedure 26(c).** The designation by any Designating Party of any
 6 Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information –Attorneys’
 7 Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably
 8 believes there is a valid basis for such designation.” Protective Order ¶ 2 (emphasis supplied).

9 A description of the Exhibits to be filed under seal referenced in this Opposition is
 10 included below:

- 11 1. **Exhibit B** consists of a copy of a license agreement between J.D. Edwards &
 12 Company and Dana Corporation.
- 13 2. **Exhibit C** consists of a copy of a license agreement between J.D. Edwards &
 14 Company and Baxter Sales Corp.
- 15 3. **Exhibit D** consists of a copy of a license agreement between Siebel Systems, Inc.
 16 and Keynote Systems.
- 17 4. **Exhibit E** consists of a copy of a license agreement between Siebel Systems, Inc.
 18 and Novell, Inc.

19 Thus, in identifying the Opposition Exhibits which contain Confidential or Highly
 20 Confidential material Rimini contends that good cause exists for sealing Exhibits B–E.

21 Rimini has submitted all other portions of the Opposition as well as all other exhibits
 22 to the Opposition, for filing in the Court’s public files, which would allow public access to the
 23 filings except for the documents Rimini has designated as Confidential or Highly Confidential.
 24 Accordingly, the request to seal is narrowly tailored.

25 For the foregoing reasons, Rimini respectfully requests that the Court grant leave to
 26 file portions of this Opposition and accompanying Exhibits B-E under seal.

1 DATED: June 29, 2015

SHOOK, HARDY & BACON

2
3 By: /s/ Robert H. Reckers

Robert H. Reckers, Esq.

4 *Attorneys for Defendants*

5 *Rimni Street, Inc. and Seth Ravin*

6
7 **CERTIFICATE OF SERVICE**

8 I hereby certify that on the 29th day of June 2015, I electronically filed the foregoing
9 document with the clerk of the court for the U.S. District Court, District of Nevada, using the
10 electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to
11 the attorneys of record who have consented in writing to accept this Notice as service of this
12 document by electronic means.

13 By: /s/ Robert H. Reckers

Robert H. Reckers.

14 *Attorney for Defendants*

15 *Rimini Street, Inc., and Seth Ravin*